



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,235	02/18/2004	Brian D. Schneider	SCBP:101US	2365

7590 05/13/2005

S. Peter Konzel, Esq.  
Simpson & Simpson, PLLC  
5555 Main Street  
Williamsville, NY 14221-5406

EXAMINER
----------

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/781,235

Applicant(s)

SCHNEIDER, BRIAN D.

Examiner

Hilary Gutman

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-10,12,13,16-18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-10,12,13,16-18 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities: on line 1, "Claim 2" is recited. This claim depends from a canceled claim but should perhaps depend from Claim 1. For the purposes of examination, claim 3 will be treated as if dependent upon claim 1.

In claim 3, line 2, "said substrate" lacks antecedent basis, since a substrate is not recited in claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-4, 8-10, 12, 16-18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Brewer.

Brewer (3,961,585) discloses a device 10 for securing cargo comprising: at least first and second anchoring straps (78A, 78B); means (82A) for adjusting the length of at least one of said first and second anchoring straps; at least two cargo securing straps (156-166 & 178-186); at least first and second hub means (22-30 & 104-110); wherein said at least first and second hub means slidably secure each of said at least two cargo securing straps therebetween (therebetween side 14 and side 16), each of said first and second hub means secures a first end of each said first and second anchoring straps for rotatable sliding movement therewith, and a second free end of one of said first and second anchoring straps comprises a fastener means (74A, 74B).

With regard to claim 3, said anchoring straps comprise loop means (Figures 4-6) for securing said anchoring straps to a pallet (P).

With regard to claim 4, said loop means are adapted for slidably securing said fastener means for securing said anchoring straps.

With regard to claim 8, said hub means is a closed ringed structure.

With regard to claim 9, said closed ringed structure is circular and said anchoring straps and said at least two cargo straps are adapted for slidable movement thereon.

With regard to claim 10, said closed ringed structure is fabricated from metal.

With regard to claim 12, said metal is hardened.

With regard to claim 16, one of said at least two cargo securing straps is operatively arranged to traverse the sides of said cargo at a position proximate a topside (Figure 1) of said cargo.

With regard to claim 17, one of said at least two cargo securing straps is arranged to traverse the sides of said cargo at a position at or above the center of gravity of said cargo.

With regard to claim 18, the device comprises at least three cargo securing straps wherein two of said at least three cargo securing straps is arranged to traverse the sides of said cargo at positions at or above the center of gravity of said cargo.

For claim 21, Brewer (3,961,585) discloses a device for securing cargo comprising: at least two hub means 22A, 22B; at least two cargo securing straps 164, 168; and, at least first and second anchoring straps 80A, 80B, wherein at least one of said first and second anchoring straps comprises means 82 for adjusting the length thereof, said at least two hub means slidably secure said at least two cargo securing straps therebetween, each of said at last two hub means slidably

Art Unit: 3612

secures a first end of each said first and second anchoring straps, and a second free end of each said anchoring strap comprises a fastener means 74A, 74B.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer, as applied to claim 4 above and in view of Dew et al.

Brewer discloses a device for securing cargo comprising a J-hook (74) fastening means having one end (200) closed and one open end (204) operatively arranged to be closed (206).

Brewer lacks that the fastening means could comprise a S-hook.

Dew et al. teach a device for securing cargo (cargo restraining apparatus 10) comprising a S-hook (31) fastening means.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device for securing cargo of Brewer, to employ S-hooks, as taught by Dew et al. in order to employ a variety of fastening means.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer, as applied to claim 1 above and in view of Dickerson.

Brewer discloses a device for securing cargo comprising a means for adjusting the length of the anchoring straps.

Brewer lacks that the means for adjusting the length could be a ratchet clamp.

Dickerson teaches device for securing cargo (tie down device 10) employing a ratchet clamp (22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device for securing cargo of Brewer, to employ a ratchet clamp, as taught by Dickerson in order to secure the cargo better.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3612

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10. **Any response to this final action should be mailed to:**


Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9327, (for formal communications; please mark "EXPEDITED PROCEDURE")

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").

  
Hilary Gutman

May 10, 2005